

REMARKS

Reconsideration of the application is respectfully requested based on the following remarks.

In the Office Action, the Examiner rejected claims 38 and 39. The Examiner allowed claims 1, 4-7, 11-13, 15-30, 32, 33 and 37. Claims 38 and 39 have been amended herein without intending to abandon or publicly dedicate any patentable subject matter. As such, claims 1, 4-7, 11-13, 15-30, 32, 33 and 37-39 are currently pending.

ALLOWED CLAIMS

Applicant gratefully acknowledges the Examiner's allowance of claims 1, 4-7, 11-13, 15-30, 32, 33 and 37.

INTERVIEW

Applicant thanks the Examiner for contacting Applicant's representative regarding the withdrawal of allowable subject matter of claims 38 and 39. Applicant has herein amended claims 38 and 39 to include allowable subject matter. Should the Examiner believe that further discussion would expedite the allowance of this application, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

REJECTION OF CLAIMS 38 and 39 UNDER 35 USC §102(b)

In the Office Action, the Examiner rejected claims 38 and 39 under 35 U.S.C. 102(b) as being anticipated by Khan (5653424). Applicant respectfully disagrees.

Regarding independent claims 38 and 39, Applicant has herein amended these claims to now recite, in relevant part,

“means for preventing the staple crossbar from moving beyond a point where the staple can be removed, said preventing means comprising a flange protruding from a middle of said wedging means;”

This limitation was indicated by the Examiner, in a previous Office Action, as allowable subject matter and was included in independent claims 1, 18, 19, 20, 28, 29, 30 and 37 in Applicant's previous response. Subsequently, the Examiner has allowed independent claims 1, 18, 19, 20, 28, 29, 30 and 37. Applicant believes that the inclusion of this allowable subject matter in independent claims 38 and 39 now also places these claims in condition for allowance for at least the same reasons the Examiner has allowed independent claims 1, 18, 19, 20, 28, 29, 30 and 37.

It is respectfully submitted that neither Khan nor any of the cited art anticipates claims 38 and 39. Applicant respectfully requests the Examiner to withdraw the 35 U.S.C. 102(b) rejections of claims 38 and 39 and allow these claims.

OTHER CITED REFERENCES

The Examiner also cited other references on PTO Form-892, but did not use these references to reject the claims. As implied by the fact that these references were not used to reject the claims, these additional references do not teach or suggest or render "obvious to try" the features of Applicant's claimed invention. Thus, it is submitted that all claims are patentably distinct from these additional references.


CONCLUSION

It is submitted that cited references, alone or in any combination, do not teach or suggest the features of the claimed invention. Therefore, it is submitted that claims 1, 4-7, 11-13, 15-30, 32-33 and 37-39 are patentably distinct from the cited references. Reconsideration of the application and an early Notice of Allowance are earnestly solicited.

If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response, an Examiner's Amendment, or otherwise if the Examiner believes that further discussion would expedite the prosecution of this application, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicant believes that no extension fees are due in connection with this filing; however, Applicant hereby petition for an extension of time which may be required to maintain the pendency of this case, and for any required fee for such extension or any further fee required in connection with the filing of this Amendment, the Commissioner is hereby requested to notify Applicant of any payment due that is not otherwise paid with this letter.

Respectfully submitted,
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